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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,247	11/19/2001	Yan Keung Stanley Tang	401465	8346

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EXAMINER

WARD, JOHN A

ART UNIT PAPER NUMBER

2875

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/988,247

Applicant(s)

TANG, YAN KEUNG STANLEY

Examiner

John A. Ward

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kam-Hoi (5,791,763) in view of Hooper (US 5,010,454).

Regarding claim 1, Kam-Hoi discloses a battery-operated lighting device for use with any one of a plurality of rechargeable battery packs, each battery pack having a pair of terminals and producing a different operating voltage, said battery-operated lighting device comprising: a casing having first and second casing parts (1, 4) a lighting unit including a light bulb D5 located at the first casing part (1), said light bulb D5 having an optimum operating voltage (see table listing), a battery chamber (figure 3), located at the second casing part (4), receiving at least part of and locating any of the battery packs (figure 3).

A pair of electrical contacts located on PCB2, located in said battery chamber for making electrical connection with respective terminals of any of the battery packs located in said battery chamber 3.

Regarding claim 2, figure 3 shows how the battery-operated lighting device wherein the chamber has an opening through which a part of any of the battery packs is

insertable into said battery chamber 3, said opening having a periphery with a shape and size substantially the same as the part of any of the battery packs for locating any of the battery packs in said battery chamber 3.

Kam-Hoi does not disclose a voltage regulator or the casing having a handgrip.

It is desired to provide a portable flashlight that runs on rechargeable battery and including a recharging circuit that can recharge the batteries when not in use.

Regarding claim 3, Hooper ('454) discloses a portable light weight battery-operated lighting device in figure 1, with a first and second casing (34, 44) with the second casing having an outer surface forming a battery chamber and lying substantially flush with any of the battery packs when located by the battery chamber (column 3, lines 31-38).

Regarding claim 4, the battery-operated lighting device wherein said casing has a lower end forming part of said battery chamber (44), said battery chamber having a bottom opening through which a part of any of the battery packs is insertable into said battery chamber, a battery pack in and protruding from said battery chamber acting as a weighted base for said battery-operated lighting device (column 3, lines 31-38).

Regarding claim 5, the battery-operated lighting device casing having an upper end (32) that supports said lighting unit (22) and a middle section being the first casing (34), including a handgrip (28).

Regarding claim 6, the battery-operated lighting device comprising of a voltage regulating circuit (figure 12) includes an integrated circuit chip 90 producing a

substantially constant output voltage that is the optimum operating voltage of said light bulb, irrespective of an input voltage falling within a range (column 4, lines 13-34).

Regarding claim 7, the battery-operated lighting device wherein it is inherent that the voltage regulating circuit includes a feedback loop connected from said output to said integrated circuit chip for indicating the output voltage (column 4, lines 13-34).

Regarding claim 10, the battery-operated lighting device wherein the optimum operating voltage of said light bulb is substantially 9.3V DC (column 2, lines 53-56).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the portable flash light of Kam-Hoi with the portable flashlight of having a rechargeable circuit of Hopper in order to provide a flashlight that can be rechargeable and carried in an automobile as taught by Hopper (abstract).

Regarding claims 8-9, Kam-Hoi in view of Hopper discloses substantially all of the claimed invention except for the operating voltages of the battery packs being substantially 9.6v, 12.0v, 13.2v, 14.4v, 15.6v, 16.8v, and 18.0v. It would have been obvious to one having ordinary skill in the art at the time the invention was made provide any of the voltages between 9.6v to 18.0v, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and in this case can depend on the operating voltage of the light bulb being used in the flashlight. *In re Aller, 105 USPQ 233.*

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prince et al (US 5,988,828) show a portable flashlight having a first and second casing and a middle section having a grip along with the first casing having a bulb and the second casing having a battery pack.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 703-305-5157. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0596.

JAW  
November 15, 2002



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800